

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MAJOR LEAGUE BASEBALL
PROPERTIES, INC. and CHICAGO CUBS
BASEBALL CLUB, LLC,

Plaintiffs,

v.

TOUSSIAINT STEVENS; STEVE RUSSELL;
RICHARD JEKEL; HOWARD KADET;
PETE GADBERRY; HARRY GIBSON,
individually and d/b/a Offcenter Marketing;
JASON ALSPAUGH, individually and d/b/a
Chi Apparel; LARRY BOISSEAU; BYRON
YABLON; JOHN YABLON; JOSE
VILLAREAL; RAMON RIOS; RICHARD
WELLS; DEESCO PERRIMAN, JR.;
MICHAEL QUATRINE; RAYMOND
MILLER; and DOES 1-30,

Defendants.

Civil Action No. 1:16-cv-09140

**SECOND DECLARATION OF KEVIN M. READ
IN SUPPORT OF PLAINTIFFS' MOTION
FOR A PRELIMINARY INJUNCTION**

I, Kevin M. Read, state the following:

1. My name is Kevin M. Read. I am over the age of twenty-one and am competent to make this Declaration and the facts stated herein are based on my personal knowledge, observations, and documents maintained under my supervision and control.

2. I am a professional investigator with Edward R. Kirby & Associates, a position I have held for approximately 19 years. Edward R. Kirby & Associates was founded in 1969, is based in Illinois, and provides professional investigation services in a variety of areas, including intellectual property. Since 2006, I have managed over 1000 investigations regarding the

manufacturing, wholesale or retail distribution of counterfeit merchandise. As a result of these investigations more than 250,000 counterfeit items have been seized by State or Federal law enforcement. I have testified in state criminal court numerous times regarding enforcement actions on more than eight occasions I have been qualified as an expert in the identification of counterfeit merchandise. I also have participated in more than fifty trainings by different brands on how to identify counterfeit product and have also provided training to more than 350 law enforcement officers regarding the distribution of counterfeit merchandise.

3. I have been involved in more than fifty game-day special enforcements where counterfeit product has been seized by law enforcement or voluntarily surrendered to the offices of Edward R. Kirby & Associates.

4. I was retained by Major League Baseball Properties Inc. ("MLBP") and Chicago Cubs Baseball Club LLC ("Cubs") to (a) investigate the sale of merchandise around Wrigley Field in Chicago, Illinois, (b) serve named Defendants and Doe Defendants pursuant to this Court's October 6, 2016 order, and (c) enforce this Court's October 6, 2016 seizure and impoundment order, during the period of October 6, 2016 through October 13, 2016 when the Cubs were hosting National League Division Series games at Wrigley Field (the "NLDS"). During the NLDS, along with other experienced private investigators from Edward R. Kirby & Associate, I walked along the streets in the vicinity of Wrigley Field, including but not limited to N. Clark St., W. Addison St., N. Sheffield Ave., and W. Waveland Ave. I observed individuals selling T-shirts and other products. This Declaration describes what occurred during the NLDS.

5. During the NLDS, Defendant Raymond Miller was advertising, offering for sale, and selling various shirts that featured the Cubs' blue-and-red color scheme in combination with other Cubs indicia, such as the Cubs' "W" flag mark and the City of Chicago flag, including the

shirt depicted below, which was included in Exhibits 7 to the Court's September 22, 2016 and October 6, 2016 Orders.




6. During the NLDS, Defendant Michael Quatrone was advertising, offering for sale, and selling various shirts that featured the Cubs' blue-and-red color scheme in combination with other Cubs indicia, such as the federally registered Cubs logo and the numbers of current Cubs players Anthony Rizzo (44), Kris Bryant (17), Jake Arrieta (49), Ben Zobrist (18), and Jason Heyward (22).



Pursuant to the provisions of 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing statements are true and correct.

Executed on October 11, 2016 by:


Kevin M. Read